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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,390

09/29/2003

Mark Bernard Hettish

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7590

09/26/2006

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PADMANABHAN, KAVITA

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,390

Applicant(s)

HETTISH ET AL.

Examiner

Kavita Padmanabhan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-17,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 1-7, 9-17, and 20-21 have been amended.
2. Claims 8 and 18-19 have been canceled.
3. Claims 1-7, 9-17, and 20-21 are pending.
4. Claims 1-7, 9-17, and 20-21 are rejected.

Information Disclosure Statement

5. The supplemental information disclosure statement (IDS) submitted on 7/13/06 was filed to correct typographical errors that were present in the IDS filed on 9/29/03. The supplemental IDS is being considered by the examiner.

Claim Objections

6. **Claim 9** is objected to because of the following informalities:

Claim 9 appears to depend from claim 8, which has been canceled. For the remainder of the Office Actions, the examiner is treating claim 9 as though it depends from claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-7, 9-17, and 20-21** are rejected under 35 U.S.C. 102(b) as being anticipated by **Diacakis et al.** (US 2002/0116336, hereinafter "Diacakis").

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

- receiving a request to make a change to a new identity context for an identity, wherein said identity context is associated with said identity and provides an availability status of said identity (**Diacakis; par [0031], lines 18-21; par [0034], lines 8-18; par [0046], lines 4-7; par [0048], lines 1-2**); and
- mapping said new identity context to a device context for a device associated with said identity (**Diacakis; par [0031], lines 18-25; Fig. 2; par [0032]; par [0034], lines 8-18; par [0035], lines 1-9; par [0045]; Fig. 8**), wherein said device context provides an availability status of the device (**Diacakis; par [0026]; par [0045]**); and
- providing data indicative of said device context (**Diacakis; Fig. 8**).

In regards to **claim 2**, **Diacakis** teaches the method of claim 1, wherein said receiving said request to make said change to said new identity context for said identity includes receiving said request from an identity context oriented application (**Diacakis; par [0034], lines 8-18; Fig. 4**).

In regards to **claim 3**, **Diacakis** teaches the method of claim 1, wherein said mapping said new identity context to said device context for said device associated with said identity includes determining said device (**Diacakis; par [0031], lines 18-25; Fig. 2**).

In regards to **claim 4**, **Diacakis** teaches the method of claim 3, wherein said mapping said new identity context to said device context for said device associated with said identity includes determining said device context associated with said device (**Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8**).

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said mapping said new identity context to said device context for said device associated with said identity includes accessing a mapping table (**Diacakis; Fig. 2**).

In regards to **claim 6**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device (**Diacakis; par [0031], lines 18-25; Fig. 2**).

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device context for said device (**Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8**).

In regards to **claim 9**, **Diacakis** teaches the method of claim 8, wherein said providing data indicative of said device context includes providing said data indicative of said device context to a presence and availability service (**Diacakis; Fig. 4; Fig. 8**).

In regards to **claim 10**, **Diacakis** teaches the method of claim 1, further comprising:

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- changing an identity context for said identity from a first identity context to said new identity context in response to said request (**Diacakis; par [0034], lines 8-18; par [0046], lines 4-7; par [0048], lines 1-2).**

In regards to **claim 11**, **Diacakis** teaches the method of claim 10, further comprising:

- providing data indicative of said new identity context (**Diacakis; Fig. 8).**

In regards to **claim 12**, **Diacakis** teaches the method of claim 1, further comprising:

- registering with a presence and availability service (**Diacakis; par [0031]).**

In regards to **claim 13**, **Diacakis** teaches the method of claim 12, wherein said providing data indicative of said device context further comprises providing said data indicative of said device context to said presence and availability service (**Diacakis; Fig. 8).**

In regards to **claim 14**, **Diacakis** teaches the method of claim 1, further comprising:

- detecting a new device context for a second device, wherein said second device is associated with a second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12); and**
- mapping said new device context to an identity context for said second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12).**

In regards to **claim 15**, **Diacakis** teaches the method of claim 14, wherein said detecting said new device context for said second device includes detecting said new device context in a presence and availability service (**Diacakis; Fig. 4**).

In regards to **claim 16**, **Diacakis** teaches the method of claim 14, wherein said detecting said new device context for said second device includes receiving a request to change said second device's device context (**Diacakis; par [0029], lines 4-7; par [0031]; par [0034], lines 14-18; par [0053], lines 6-11; par [0057]**).

In regards to **claim 17**, **Diacakis** teaches the method of claim 14, wherein said mapping said new device context to said identity context for said second identity includes determining said second identity (**Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12**).

Claim 20 is rejected with the rationale given for claim 1.

Claim 21 is rejected with the rationale given for claim 1.

Response to Amendment

9. The supplemental information disclosure statement (IDS) submitted on 7/13/06 that was filed to correct typographical errors that were present in the IDS filed on 9/29/03 is being considered by the examiner.

10. Applicant's amendments filed 7/13/06 with respect to the specification objections have been considered. The objections have been withdrawn accordingly.

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11. Applicant's amendments filed 7/13/06 with respect to the claim objections have been considered. The objections to the claims have been withdrawn accordingly.

12. Applicant's amendments filed 7/13/06 with respect to the 35 U.S.C. 112, second paragraph rejections have been considered. The corresponding rejections have been withdrawn accordingly.

13. Applicant's amendments filed 7/13/06 with respect to the 35 U.S.C. 101 rejections have been considered. The corresponding rejections have been withdrawn accordingly.

Response to Arguments

14. Applicant's arguments filed 7/13/06 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach mapping said new identity context to a device context for a device associated with said identity, wherein said device context provides an availability status of the device. In particular, applicant argues that Diacakis teaches, at most, determining a presence of an individual or group of individuals, and not an availability status of a device.

The examiner respectfully disagrees with the applicant's arguments. The examiner asserts that Diacakis does indeed teach a device context that provides an availability status of a device (Diacakis; par [0026]; par [0045]). Clearly, whether a wireless telephone is switched on or off, for example, is an indication of the availability status of a device (Diacakis; par [0026]).

Conclusion

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15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan
Assistant Examiner
AU 2161

September 19, 2006

KP.



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PRIMARY EXAMINER